

Application number: 09/923,311**Art Unit:** 3624**Applicant:** Khai Hee Kwan**Examiner:** Alain L Bashore.**Title:** A computer network method for conducting payment over a network by debiting and crediting utilities accounts

components for combination in the manner claimed."). In this instance the examiner has failed to show the motivation to combine. No evidence was alluded by the examiner and we respectfully seek same. Further as mentioned, there is nothing in all three prior arts to combine each other features and the reason to satisfy disable users (as proposed by examiner) was not found in any of the cited arts. Accordingly we respectfully submits that claim 17 is patentable over the said 3 prior arts.

This claim has been cancelled in our amendments.

Explanation to Our Amendments

Claim 1

"A computer network method for conducting fund transfer over at least one network by crediting and debiting utility accounts comprising steps for:

providing at least a centralized payment processor linked to the network;

extending at least one utility service provider's main processor for establishing sub

accounts for both payer and/or payee on the provider's main processor having

corresponding account identifiers to their main utility accounts ;

receiving a request for a payment amount from an identifiable payer for an identifiable payee;

confirming said request and verifying payer's sub account identifier, authorization data

and payee's sub account identifier linked to at least one utility account;

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if approved, crediting payee's utility account and debiting payer's utility account respectively with the said approved payment amount; and wherein said utility account is not a mobile phone account. "

This claim now distinguishes itself by not claiming the element of mobile phone account. While we have asserted that our utility accounts excluded mobile phone account above, this amendment makes it clear. As mentioned, neither of the 3 prior arts show or teach of using non mobile phone accounts and the examiner would need to show a motivation to reveal our claimed invention.

What is the motivation to modify Morrill's invention (a mobile electronic wallet), in particular the mobile device to use non mobile phone accounts for initiating payment instructions to a mobile service provider ? Is there any specific advantage or defects in using mobile phone accounts such that one skilled in the art must necessarily use utilities accounts ? The examiner provided no reasons for the above and therefore must necessarily assume the elements in Morrill are inherent in our claimed invention hence avoided examining the Graham Factors for obviousness determination based on the indifference.

We therefore submit that this claim is patentable over Morrill, Moussaieu, Resnick and be allowed as per our amendments above.

Claim 2

"A method according to claim 1 wherein the payment amount can be in the form of monetary units or utility units."

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This claim has two elements which is either the utility or monetary units. As this claim is dependent on claim 1 which has no mobile phone account then logically one skilled in the art would not find mobile phone air time units here as being on of the element.

We therefore submit that this claim is patentable over Morrill, Moussaeu, Resnick and be allowed.

Claim 3

"A method according to claim 1 wherein said utility account includes netting amount received against actual utility charges."

This claim deals with netting the charges against actual utility charges. The examiner had actually not dealt with this issue and none of the prior arts cited show this feature.

We therefore submit that this claim is patentable over Morrill, Moussaeu and be allowed.

Claim 4.

"A method according to claim 1 wherein utility account is prepaid or postpaid. "

This claim is dependent on Claim 1 which has disclaimed mobile phone account. Therefore, the fact that a mobile phone could be prepaid or postpaid could not be read here. We therefore submit that this claim is patentable over Morrill, Moussaeu, Resnick and be allowed.

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Claim 5.

“A method according to claim 1 wherein confirming said request is over a second network; “

While this claim is dependent on claim 1, on its own merits there is nothing in either 3 prior arts that show using two different networks to initiate and conformation for the same transaction.

We therefore submit that this claim is patentable over Morrill, Moussaue, Resnick and be allowed.

Claim 6. (No Amendment)

“A method according to claim 1 wherein the payment transaction is initiated at a point of sale by payer by connecting to the internet using internet protocol or wireless application protocol.”

This claim basically sets out the point of sale being initiated at a first network being the Internet. As we have mentioned Morrill actually taught of using the Internet as a way to transmit evidence of purchase which is not the same as initiating a purchase. (Col 11 line 28-Col 12 line 27). Furthermore as this claim is dependent on claim 1 which disclaims mobile phone accounts, the examiner's argument is now moot.

We therefore submit that this claim is patentable over Morrill, Moussaue, Resnick and be allowed.

Claim 16. (No Amendment)

“A method according to claim 1 including, in the payment processor, maintaining a database of payers' utility accounts and a list of utility accounts for participating payees

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with links to each transaction, an unique identifier for the purposes of reconciliation and profiling of users. “

The examiner actually did not provide any evidence to show profiling and obviously now that this claim is dependent on claim 1 which disclaims mobile phone accounts, there is nothing to show to reach our claimed invention.

We therefore submit that this claim is patentable over Morrill, Moussaeu, Resnick and be allowed.

Claim 19-23

These are new claims of different statutory class incorporating the method of claims 1-6 and therefore our previous submission above for claim 1-6 will be applicable here. Similarly, we therefore submit that this claim is patentable over Morrill, Moussaeu, Resnick and be allowed.

Claim 24-30

These are new claims of different statutory class incorporating the method of claims 1-6 and 16. Therefore our previous submission above for claim 1-6 & 16 will be applicable here. We therefore submit that this claim is patentable over Morrill, Moussaeu, Resnick and be allowed.